



Lamoine Board of Selectmen

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Minutes – November 16, 2017

Chair Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen Gary McFarland, Robert Christie, S. Josephine Cooper, Kathleen Rybarz, Nathan Mason; Administrative Assistant Stu Marckoon, Appeals Board Chair Hancock "Griff" Fenton and Appeals Board Member Jay Fowler.

Agenda Review/Addendum – No changes were proposed to the printed agenda or addendum.

Minutes – November 2, 2017 – Bob inquired about a reference to the purchase method for Marlboro Beach. Stu said the minutes accurately reflected the correct process. Gary moved to approve the minutes, Kathleen 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 11 – Selectmen signed the warrant in the amount of \$359,884.69. Stu reported the school bills accounted for about \$310,000, the rest was routine. He said the high school tuition bill to MDI High had come in. He said he has moved \$325,000 from investments to cover the checks.

Cash & Budget Reports – No questions or comments on the reports.

Stale Check Order – Stu explained the order disposes of three checks that have not been cashed for more than 6-months. Jo moved to sign the order. Nathan 2nd. **Vote in favor was 5-0.**

Appeals Board Ordinance – Jo said the Selectmen have seen several comments on the draft of the proposed Appeals Board Ordinance and wanted to meet with the Board of Appeals.

Appeals Board Chair Griff Fenton said they wanted to get as much input as they could to make the ordinance the best it could be. He said the goal is to avoid having people go to court. He said the Appeals Board looked at ordinances in other communities, and many of those were old and not up to date with decisions of the Maine Supreme Judicial Court. He said one of the goals for the proposed ordinance is to make sure State Law is an overriding issue. A brief discussion followed.

Kathleen said the proposed ordinance appears to change procedures in five other ordinances. She said each ordinance seems to have a different procedure. Mr. Fenton said the town's ordinances are not consistent. He said one of the goals of the new ordinance is to let aggrieved people to know what they'll have to go through. He said they want the procedure to be consistent and treat the process the same across all ordinances.

Jo asked if the town would have to change existing ordinances as well. A brief discussion followed, and Mr. Fenton noted that people are confused by the process in

each affected ordinance. He said many towns have ordinances that guide Boards of Appeals, and Lamoine should too. A brief discussion followed.

Mr. Fenton said the proposed new ordinance would include a less stringent variance as allowed by recent state law changes, including a disability variance. He said a lot has happened at the state level in the past few years.

Kathleen said she did some research, and Southwest Harbor has 3 categories. She said she was confused by the Board of Appeals giving itself the ability to decide whether a case is heard administrative or de novo. A lengthy discussion followed.

Bob said he also looked at the Southwest Harbor ordinance and noted the Code Enforcement Officer was separated in decision making from the Planning Board. A brief discussion followed on whether on whether enforcement or lack thereof could come before the Board of Appeals.

Kathleen noted that the Floodplain Management Ordinance includes two pages of procedures. She said the Appeals Board is trying to change a lot all at once and said maybe developing a common procedure without altering the current ordinances might be a better route.

Mr. Fenton said the intent was to limit the new ordinance application to just a few of the existing ordinances, and a brief discussion followed. He said the Board of Appeals has worked for about a year on developing an ordinance, and they are trying to make it the best they can for the town. Jo asked if they intend to incorporate comments in the next draft. Mr. Fenton said they would, but they've not had a meeting in a while. He said they will try to have a meeting in the near future, and it's a work in progress. Jo asked if there was target time. Mr. Fenton said that keeps changing. He said it'll be done when it's done right.

Nathan said he appreciated the spirit of what the Board of Appeals intends. Jay Fowler noted that if the Board of Appeals starts granting variances, it's problematic. Mr. Fenton said they used ordinances from Southwest Harbor, Mt. Desert and St. Albans to draft the Lamoine proposal. Bob said one of the provisions of the Southwest Harbor ordinance requires the Appeals Board to be familiar with the town ordinances. Kathleen asked if there is training available for Board of Appeals. Mr. Fenton said there is and a brief discussion followed regarding training offered by Maine Municipal Association.

Following a brief discussion about comprehensive planning, Bob noted there is an open house on Saturday for the draft comprehensive plan. Mr. Fenton asked the Selectmen that if anything comes up to let the Board of Appeals know.

Returnables – Gary moved to award the proceeds from the returnable containers for January 2018 to the Lamoine School Drama Club. Nathan 2nd. **Vote in favor was 5-0.**

Mud Creek Road Paving – Stu reported that he responded to an inquiry from Maine DOT regarding re-paving Mud Creek Road in 2018 that the town potentially would be

developing an entrance for a park on that road. Kathleen asked that residents be informed that the road will be repaved.

Municipal Review Committee Board of Directors Vote – Nathan moved to case Lamoine's final vote for the MRC Board to Sophie Wilson. Gary 2nd. **Vote in favor was 5-0.**

Municipal Review Committee – Withdrawal Check – Stu reported the town received a check from the MRC for the town's share of PERC ownership. He suggested creating a fund for now called Transfer Station Capital as there will be another check when the withdrawal from the MRC is complete. The fund would be on the warrant for the March 2018 town meeting. Gary so moved, Kathleen 2nd. **Vote in Favor was 5-0**

Stu said there was a message this afternoon from the MRC to not sign, yet, the proposed withdrawal agreement with the MRC until such time as language is finalized.

Requests for Proposals – Selectmen reviewed final drafts of requests for proposals for Snowplowing, Municipal Solid Waste Transportation and Recycling. There was no objection to advertising for proposals beginning next week. Proposals will be due January 4, 2018.

Budget Workshop – Selectmen conducted a budget workshop on drafts of the following:

- Solid Waste Budget
- Code Enforcement/Planning Board
- Fire Department/Public Safety

Legal Expenses – There was a brief discussion about the legal expense line in the administration budget. Stu said the latest bills were added earlier in the day and the budget master was printed a few days ago and would not reflect the latest bills.

Pit Restoration – Kathleen reported that the Jones Pit owned by Harold MacQuinn, Inc., has not been restored and the Planning Board has requested that the Code Enforcement Officer investigate and take appropriate action.

Bob expressed appreciation working with his fellow board members to conduct town business.

Lamoine/Bayside Grange Taxation – Jo noted that the 150th committee discussed some issues with a representative for the Lamoine Grange the previous evening, and the issue of the Grange being taxed for the first time this year came up. Stu said he happened to walk in at that time and explained the abatement process. He said after he left he got thinking about ways to relieve the tax burden, and the possibility of a donation of the property to the town and a long term lease came to mind. There was a lengthy discussion about the options for the property.

Next Meeting Dates – The Selectmen will hold their next regular meetings on November 30, December 14, January 4 & 18, and February 1 & 15.

There being no further business, the meeting adjourned at 8:05 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen